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EXAMINER

SWINNEY, JENNIFER B

ART UNIT

PAPER NUMBER

3724

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/594,743	<b>Applicant(s)</b> ANDO ET AL.	
	<b>Examiner</b> JENNIFER SWINNEY	<b>Art Unit</b> 3724	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 September 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12, 15, 20 and 21 is/are allowed.
- 6) ☒ Claim(s) 1-10, 13, 14 and 16-19 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/11/10</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The amendments filed 24 September 2010 have been entered. Claims 1-21 remain pending in the application.

#### ***Claim Objections***

2. Claim 12 is objected to because of the following informalities: The term "redial (Line 8)" should be "radial". The appropriate spelling correction is required.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8, 13, 14, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 63105805 to Saito et al. in view of DE 3531011 to Jens (a machine translation has been provided for the citing below).

In Re to Claims 1 and 18, Saito teaches a teaches a material guide device (Fig. 1), a guide bush (Fig. 1, 13), and a material lead out end (Fig. 1, 13 is the material lead out end), a hollow tubular material support section (Fig. 1, 13, abstract) elastically displaceable in a radial direction about an axis (Fig. 1), an adjusting mechanism (Fig. 1, 18, 20) for adjusting a radial dimension of a material support section on a guide bush, an adjusting mechanism comprising, a carrying member (Fig. 1, 1) carrying a guide bush (Fig. 1, 13) and having a front face disposed around a material lead out-end of a guide bush (Fig. 1), and carrying a guide bush (Fig. 1, 13) in a state as to be secured in

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a rotational direction about a guiding axis (Fig. 1), a pressing member (Fig. 1, 20) disposed near a front face of a carrying member with at least a portion of the pressing member extending beyond a front face (Fig. 1, carrying member 20 extends beyond front face 1) and moveable relative to a carrying member (Fig. 1) and able to make a relative linear motion along a guiding axis relative to a guide bush, the pressing member causing an elastic displacement in a radial direction on a material support section by a relative linear motion (Abstract), a feed screw (Fig. 1, 2, 19) disposed near a front face of a carrying member at a position remote from a material introducing end or a guide bush, for causing a relative linear motion between a pressing member and a guide push by a mutual screwing motion of threads (Fig. 1, 2, 19, Abstract).

In Re to Claim 2, a manipulation section (Fig. 1) disposed near a front face of a carrying member at a position remote from a material introducing end of a guide bush for manipulating a feed screw structure to cause a screwing motion (Fig. 1, 2, 19).

Examiner notes, the placement of the device which manipulates the feed screw is capable of being at any optimal location near the device.

In Re to Claim 3, a feed screw (Fig. 1, 2, 19) is provided between a carrying member (Fig. 1, 1) and a pressing member (Fig. 1, 20).

In Re to Claim 4, a guide bush (Fig. 1, 13) is secured relative to a carrying member (Fig. 1, 1) in a direction along a guiding axis (Fig. 1).

In Re to Claim 6, a carrying member has an external thread (Fig. 1, 19) and a pressing member has an internal thread (Fig. 1, 2) adapted to be screwed on an external thread to constitute a feed screw structure (Fig. 1).

In Re to Claim 7, a guide bush (Fig. 1, 13), and a material lead out end (Fig. 1, 13 is the material lead out end), a hollow tubular material support section (Fig. 1, 13, abstract) elastically displaceable in a radial direction about an axis (Fig. 1), an adjusting mechanism (Fig. 1, 1, 18, 20) for adjusting a radial dimension of a material support section on a guide bush, an adjusting mechanism comprising, a carrying member (Fig. 1, 1) carrying a guide bush (Fig. 1, 13) and having a front face disposed around a material lead out-end of a guide bush (Fig. 1), and carrying a guide bush (Fig. 1, 13) in a state as to be secured in a rotational direction about a guiding axis (Fig. 1), a pressing member (Fig. 1, 20) disposed near a front face of a carrying member with at least a portion of the pressing member extending beyond a front face (Fig. 1, carrying member 20 extends beyond front face 1) and moveable relative to a carrying member (Fig. 1) and able to make a relative linear motion along a guiding axis relative to a guide bush, the pressing member causing an elastic displacement in a radial direction on a material support section by a relative linear motion (Abstract), a feed screw (Fig. 1, 2, 19) disposed near a front face of a carrying member at a position remote from a material introducing end or a guide bush, for causing a relative linear motion between a pressing member and a guide push by a mutual screwing motion of threads (Fig. 1, 2, 19, Abstract), an adjusting mechanism (Fig. 4, Fig. 1, 1, 18, 20) further comprises a manipulating member (Fig. 1) disposed near a front face of a of a carrying member (Fig. 1, 1) and adjacent to a pressing member (Fig. 1, 20), the manipulating member includes a manipulation section for manipulating the feed screw structure to cause a screwing

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motion; a feed screw structure (Fig. 1) is provided between a carrying member and a manipulating member (Fig. 1).

Examiner notes, feed screws are capable of being manipulated by known methods in the art to create a screwing motion. The placement of the device which manipulates the feed screw is capable of being at any optimal location near the device.

In Re to Claim 8, a guide bush (Fig. 1, 13) is secured relative to a carrying member in a direction along a guiding axis (Fig. 1).

In Re to Claim 13, the adjusting mechanism further comprises an anchoring member (Fig. 1, 3) disposed near the front face of the carrying member (Fig. 1, 20) for inhibiting the screwing motion of a feed screw structure.

In Re to Claim 14, a fitting portion (Fig. 1) is provided between a carrying member (Fig. 1, 1) and a pressing member (Fig. 1, 20) capable of holding a carrying member and a pressing member in a coaxial arrangement relative to each other (Fig. 1) is provided between a carrying member and a pressing member (Fig. 1), a fitting portion for holding a carrying member and a guide bush (Fig. 1) in a coaxial arrangement relative to each other is provided between a carrying member and a guide bush (Fig. 1).

In Re to Claim 17 and 19, the material guide device is installed in a proximity to a working location of machining of an objective material (Fig. 1). The material guide device positions the workpiece in a desired location to undergo the intended cutting process.

In Regards to Claims 1 and 5, Saito does not explicitly teach a guide bush having a material introducing end and a material lead out end and a carrying member has an

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internal thread and a pressing member has an external thread adapted to be screwed on an internal thread to constitute a feed screw structure.

Jens teaches a guide bush having a material introducing end (Fig. 4) and a material lead out end (Fig. 4).

Examiner notes, guide bushings are old and well known structures utilized to guide and position a workpiece in a designated location. The expandable capabilities of a guide bushing allows for the accommodation of various size workpieces and the material introducing end and lead out end also allows proper positioning and alignment of the workpiece. The dual ends also provide additional structural support to the workpiece during the machining process. It would have been obvious to one having ordinary skill in the art at the time of invention to provide Saito with a bushing having a material introducing and lead out end as taught by Jens. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one having ordinary skill in the art at the time of invention. It is also noted, the carrying member of Saito has external threads and the pressing member has internal threads which constitute a feed screw structure. It would be obvious to one having ordinary skill in the art at the time of invention to provide Saito with a carrying member having internal threads and a pressing member having external threads to constitute a feed screw structure, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

It is noted, the rejection of Claim 7 above is not improper. The rejection below merely provides an additional interpretation of Claim 7.

5. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0475152 to Ishida in view of Saito et al.

6. In Re to Claim 7, a teaches a material guide device (Figs. 1), a guide bush (Fig. 1, 8), a material introducing end and a material lead out end (Fig. 1), a hollow tubular material support section (Fig. 1, 8) elastically displaceable in a radial direction about an axis (Pg. 3, Para 4), an adjusting mechanism (Fig. 1) for adjusting a radial dimension of a material support section on a guide bush, an adjusting mechanism comprising, a carrying member (Fig. 1, 19) carrying a guide bush (Fig. 1, 8) and having a front face disposed around a material lead out-end of a guide bush (Fig. 1, 8), a pressing member (Fig. 1, 9) disposed near a front face of a carrying member and moveable relative to a carrying member (Fig. 1, Pg. 3, Para 4) and able to make a relative linear motion along a guiding axis relative to a guide bush, the pressing member causing an elastic displacement in a radial direction on a material support section by a relative linear motion (Pg. 3, Para 4), a feed screw causing relative linear motion between a pressing member and a guide bush (Fig. 1, 10) by a mutual screwing motion of threads.

In Re to Claim 8, a guide bush (Fig. 1, 8) is secured relative to a carrying member in a direction along a guiding axis (Fig. 1).

In Re to Claim 9, the feed screw structure (Figs. 1, 2, Para 4) is provided between a pressing member (fig. 1, 9) and a guide bush (Fig. 1, 8).



In Re to Claim 10, a guide bush (Fig. 1, 8) is secured relative to a carrying member (Fig. 1, 19) in a rotational direction about a guiding axis (Fig. 1)

In Re to Claim 7, Ishida does not teach a feed screw an adjusting mechanism further comprises a manipulating member disposed near a front face of a of a carrying member and adjacent to a pressing member the manipulating member includes a manipulation section for manipulating the feed screw structure to cause a screwing motion; a feed screw structure is provided between a carrying member and a manipulating member.

Saito teaches an adjusting mechanism (Fig. 4, Fig. 1, 1, 18, 20) further comprises a manipulating member (Fig. 1) disposed near a front face of a of a carrying member (Fig. 1, 1) and adjacent to a pressing member (Fig. 1, 20), the manipulating member includes a manipulation section for manipulating the feed screw structure to cause a screwing motion; a feed screw structure (Fig. 1, 2, 19) is provided between a carrying member (Fig. 1, 1) and a manipulating member (Fig. 1).

Examiner notes, feed screws are old and well known structures in the art of guide devices utilized obtain movement in a desired direction. Feed screws are capable of being manipulated by known methods in the art to create a screwing motion. The placement of the device which manipulates the feed screw is capable of being at any optimal location near the device. It would have been obvious to one having ordinary skill in the art at the time of invention to provide Ishida with a feed screw between a carrying member and a manipulating member to provide additional force and structural support on the pressing member and the bushing when positioning a workpiece. All the claimed

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elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one having ordinary skill in the art at the time of invention.

***Allowable Subject Matter***

7. Claims 12, 15, 20, and 21 are allowed.

8. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not fairly teach or suggest a material guide device having a guide bush, a carrying member, a pressing member, and a feed screw structure creating linear motion between the pressing member and the bushing, in which the feed screw member is located between the carrying member and guide bush.

9. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

10. Applicant's arguments with respect to claims 1-10, 13, 14, and 16-19 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER SWINNEY whose telephone number is (571) 270-5843. The examiner can normally be reached on Monday-Friday, 8:00 am-5:00 pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Daniel Prone/  
Primary Examiner, Art Unit 3724

03 December 2010

/JS/